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CE10504JSW

Application S/N 10/700,716
Amendment Dated: June 3, 2005
Response to Office Action dated: March 4, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S)	Jyh-Han Lin	GROUP ART UNIT:	2686
APPLN. NO.:	10/700,716	EXAMINER:	Perez Gutierrez, Rafael
FILED:	November 4, 2003	Confirmation No.	6011
TITLE:	SIMULTANEOUS VOICE AND DATA COMMUNICATION OVER A WIRELESS NETWORK		

CERTIFICATE OF FAX TRANSMITTAL	
I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office, at (703) 872-9306 Centralized Facsimile, addressed to :Mail Stop: <u>NON FEE AMENDMENT</u> , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date listed below:	
Date:	June 3, 2005
Signature:	
Typed or Printed Name:	Silvana Wiltshire

Mail Stop: NON FEE AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES
TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. §1.131)**

PURPOSE OF DECLARATION

1. This declaration is to establish completion of the invention in this application in the United States, at a date prior to April 30, 2003, that is the effective date of the prior art:

Publication – U.S. Patent Application Publication No. 2004/0219925

Patent

That was cited by the

Examiner
 Applicant

2. The person making this declaration is (are):

The inventor(s)

Application S/N 10/700,716
Amendment Dated: June 3, 2005
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CE10504JSW

- Only some of the joint inventor(s)
(and a suitable excuse is attached for failure of the omitted joint inventor(s) to sign)
- The party in interest
(and a suitable explanation as why it is not possible to produce the declaration of the inventor(s) is attached)

FACTS AND DOCUMENTARY EVIDENCE

3. To establish the date of completion of the invention of this application, the following attached documents and/or models are submitted as evidence: (check all applicable items below)

- Sketches
- Blueprints
- Photographs
- Reproduction(s) of notebook entries
- Model
- Supporting statement(s) by witness(es) (where verbal disclosures are the evidence relied upon)
- Other: Motorola dated and witnessed patent disclosure

4. From these documents and/or models, it can be seen that the invention in this application was made

- On _____
- At least by the date of September 16, 2002, which is a date earlier than the effective date of the reference.

Application S/N 10/700,716
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CE10504JSW

DILIGENCE

5. Attached is a statement establishing the diligence of the applicant, from the time of their conception, to a time just prior to the date of the reference, up to the:

- Actual reduction to practice
- Filing of this application

TIME PRESENTATION OF THE DECLARATION

(Complete (a), (b), or (c))

6.

- (a) This declaration is submitted prior to final rejection
- (b) This declaration is submitted with the first response after final rejection, and is for the purpose of overcoming a new ground of rejection or requirement made in the final rejection
- (c) This declaration is submitted after final rejection. A showing under 37 C.F.R. §1.116(b) is submitted herewith

DECLARATION

7. As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Application S/N 10/700,716
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CE10504JSW

SIGNATURES

Full name of first-named or sole inventor	Jyh-Han Lin	
Inventor's signature	X32	
Residence	Coral Springs	Florida
City	State or Foreign Country	
Citizenship	United States of America	
Country		
Post Office Address	4931 NW 116 AVENUE	
Street Address		
Coral Springs	FL	33076
City	State or Country	Zip Code

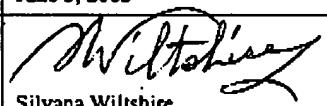
Full name of third-named joint inventor	Eric Eaton	
Inventor's signature	Eric Eaton	
Residence	Lake Worth	Florida
City	State or Foreign Country	
Citizenship	United States	
Country		
Post Office Address	3198 Medinah Circle E.	
Street Address		
Lake Worth	FL	33467
City	State or Country	Zip Code

Application S/N 10/700,716
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CE10504JSW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S)	Jyh-Han Lin	GROUP ART UNIT:	2686
APPLN. NO.:	10/700,716	EXAMINER:	Perez Gutierrez, Rafael
FILED:	November 4, 2003	Confirmation No.	6011
TITLE:	SIMULTANEOUS VOICE AND DATA COMMUNICATION OVER A WIRELESS NETWORK		

CERTIFICATE OF FAX TRANSMITTAL	
I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office, at (703) 872-9306 Centralized Facsimile, addressed to :Mail Stop: <u>NON FEE AMENDMENT</u> , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date listed below:	
Date:	June 3, 2005
Signature:	
Typed or Printed Name:	Silvana Wiltshire

Mail Stop: NON FEE AMENDMENT
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

STATEMENT ESTABLISHING THE DILIGENCE OF APPLICANTS

This statement establishes the diligence of the applicants, in the above-subjected application, from the time of their conception up to the filing of this application.

1. We are the joint inventors of all claims of the above-identified patent application.
2. By at least September 16, 2002, we conceived, in the United States of America, the idea of a "Simultaneous Voice and Data Communication Over a Wireless Network" as described and claimed in our patent application. A patent disclosure containing a written

Application S/N 10/700,716
Amendment Dated: June 3, 2005
Response to Office Action dated: March 4, 2005

CE10504JSW

description of the invention and drawings was prepared and signed by us by at least September 16, 2002, and submitted to a first Motorola patent committee for review. A copy of the patent disclosure and accompanying technical documents are attached.

3. In reasonably regular order and in accordance with customary procedure, the disclosure was transferred from the first patent committee to a second Motorola patent committee on February 20, 2003.

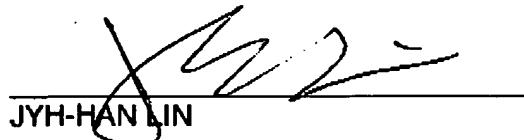
4. In reasonably regular order and in accordance with customary procedure, the disclosure was transferred from the second patent committee to a third Motorola patent committee on June 23, 2003.

5. In reasonably regular order and in accordance with customary procedure, the third patent committee completed its review of the disclosure and made a decision to pursue a patent application for the invention on August 8, 2003.

6. In reasonably regular order and in accordance with customary procedure, the present application was prepared by outside counsel and was filed on November 4, 2003.

Application S/N 10/700,716
Amendment Dated: June 3, 2005
Response to Office Action dated: March 4, 2005

CE10504JSW



JYH-HAN LIN

DATE: 6/3/05

STATE OF FLORIDA)
) ss: PLANTATION
COUNTY OF BROWARD)

The undersigned Notary Public, in and for the County and State aforesaid, does hereby certify that JYH-HAN LIN, who is personally known to me and whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered said instrument as his free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and official seal this 3rd day of JUNE, 2005.

My commission expires



S. Wiltshire
Commission #DD204246
Expires: Apr 16, 2007
Bonded Thru
Atlantic Bonding Co., Inc.



Notary Public Signature

Silvana Wiltshire
Printed Name of Notary Public

JYH-HAN LIN is personally known to me.

Application S/N 10/700,716
Amendment Dated: June 3, 2005
Response to Office Action dated: March 4, 2005

CB10504JSW

Eric Eaton
ERIC EATON

DATE: 6/21/05

STATE OF FLORIDA)
) ss: PLANTATION
COUNTY OF BROWARD)

The undersigned Notary Public, in and for the County and State aforesaid, does hereby certify that ERIC EATON, who is personally known to me and whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered said instrument as his free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and official seal this 9th day of JUNE, 2005.

My commission expires



S. Wiltshire
Commission #DD204246
Expires: Apr 16, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

S. Wiltshire
Notary Public Signature

Silvana Wiltshire
Printed Name of Notary Public

ERIC EATON is personally known to me.

STATEMENT UNDER 37 CFR 3.73 (b)

Applicant/Patent Owner: Jyh-Han Lin
 Application No./Patent No.: 10/700,716 Filed/Issue Date: November 4, 2003
 Entitled: SIMULTANEOUS VOICE AND DATA COMMUNICATION OVER A WIRELESS
NETWORK
Motorola, Inc. , a Corporation
 (Name of Assignee) (Type of Assignee e.g., corporation, partnership, university, etc.)

states that it is:

1. the assignee of the entire right, title, and interest; or
2. an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

In the patent application/patent identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 014667 , Frame 0368 , or for which a copy thereof is attached.

OR

B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____ , Frame _____ or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____ , Frame _____ or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____ , Frame _____ or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

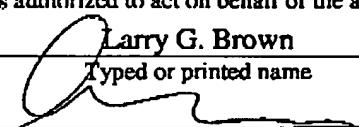
The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

June 3, 2005

Date

Larry G. Brown

Typed or printed name


Signature

Attorney of Record

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Alexandria, VA 22313. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SENT TO: Commissioner for Patents, Alexandria, VA 22313

**Disclosure CE10504JSW (15238)**

ID: **CE10504JSW (15238)**
Title: **Method and Apparatus for Simultaneous and Integrated Voice/Data Communications with support for iExchange**
Innovators: **Jyh-Han Lin, Eric Eaton**
Status: **Filed** **0**
Disposition: **Pursue** **0**
Award: **Disclosure Award** **Recommended 19 Mar 2003**
 Processed 19 Mar 2003
Submitted Date: **16 Sep 2002**
Review Date: **19 Nov 2002 11:00 AM**
 1 Apr 2003
 8 Aug 2003
Motorola Business: **NET**
Patent Committee: **iDEN Subscriber-Software**
Business Unit: **NET-IDEN Subscriber Group (ISG)**
Organization: **GTSS, IDENWLAN, ISG, PROD DEV**
Department: **EX565**
Location: **FL08**
Submit Country: **USA**
Previous Docket Number(s): CE10504J, CE10504J1016

Workflow

Role	Name	Action
First Innovator	<u>Jyh-Han Lin</u>	<u>Verification Complete 9/16/2002</u>
Co-Innovator	<u>Eric Eaton</u>	<u>Verification Complete 6/30/2003</u>
Witness	<u>Anand Patel</u>	<u>Acknowledgement Complete 9/17/2002, Notebook Not Signed</u>
Witness	<u>Jigar Shah</u>	<u>Acknowledgement Complete 9/16/2002, Notebook Signed</u>
Manager	<u>Eric Brooks</u>	<u>Acknowledgement Complete 10/7/2002</u>
Business Reviewer	<u>Jyh-Han Lin</u>	<u>Review Complete 7/29/2003</u>
Technical Reviewer	<u>Deepak Ahya</u>	<u>Review Complete 7/28/2003</u>
Technical Reviewer	<u>Ketan Shah</u>	<u>Review Complete 7/28/2003</u>
Attorney Reviewer	<u>Scott Garrett</u>	<u>Review Complete 8/5/2003</u>

Reviewer Information

Role	Name	Action
Business Reviewer	<u>Jyh-Han Lin</u>	

Technical Reviewer Deepak Ahya
Technical Reviewer Ketan Shah
Attorney Reviewer Scott Garrett
Grading Results

Documents

Document Name	Description	Document Type	Uploaded By	Uploaded Date	Size
 iButton-New.pdf		Unspecified		23 Jun 2003	15 Kb
 iBroadcast button.doc	Use case and claims	Unspecified		26 Jun 2003	24.5 Kb

Questions**Name of Innovation or Engineering Development?**

Method and Apparatus for Simultaneous and Integrated Voice/Data Communications with support for iExchange

What is the problem(s) to be resolved by or need(s) for your idea?

iExchange project has provided iDEN handsets with capability for simultaneous voice and data on interconnect and direct connect channel. In the interconnect setting, the communication will also be full duplex. With the flexibility of iDEN Java platform to handle data and voice simultaneously in one application, this new capability require new user interface and application design to fully realize its potential.

This disclosure proposes such a novel UI scheme to enhance the usability of (Java) applications that use iExchange protocol.

What patents or publications describe your idea and why don't they resolve the problem(s) or fulfill the need(s)?

NA

What is the idea you are disclosing? Please provide a written description summarizing the idea. Please define all acronyms and other terms of art used.

A new hardware user interface element called ?iButton? will be added to the keypad area. The button is used by integrated voice and data application to facilitate user interaction with data component of the application during the voice call.

The iButton has three sub-keys side by side:

- Push Key: The push key is used to push data to the other iDEN phone
- Pull Key: The pull key is used to pull data from the other iDEN phone w/o the other phone initiating the data push
- Sync key: The sync key is used to synchronize application specific information between two iDEN phones.

The software platform supports iButton through key events. An application takes advantage of iButton by implementing three methods:

- Push-key Listener: This listener method sends application specific data to the other phone when Push key is pressed.
- Pull-key Listener: This listener method request application specific data from the other phone when Pull key is pressed.
- Sync key listener: This listener method starts the synchronization of application specific information between two phones.

In addition see attached

How does this idea resolve the problem(s) or fulfill the need(s) in a new way?

Examples of communications using iButton:

- In-call phonebook entry exchange: During the voice call, the caller uses the Push key to send his phonebook information and uses Pull key to receive phonebook entry information from the

other phone.

- In-call personal information synchronization: The caller presses the sync key to synchronize his personal information to the phone during the voice call.
- In-call schedule synchronization: The caller presses the push key to send a calendar entry, which may be just added during voice call, to the other phone's calendar.
- Misc. in-call conversation related information exchange: for example, permission to record voice conversation; facial icons expression moods, etc.
- In-call text messaging.

New elements of the invention

- (1) The iButton with three sub-keys
- (2) Push key for push application specific data
- (3) Pull key for pull application specific data
- (4) Sync key for application data synchronization
- (5) Software platform design that supports iButton operations

How or where will this idea be used (e.g. what process or product will it be applied to)?
Future handset products with iExchange protocol support.

Please enter one or more key words that may be used to identify your disclosure.

Is this disclosure a resubmission of a disclosure you have previously submitted?
NO

Please enter the forum from which this idea originated - e.g. Quest for Innovation, Advanced Inventing Session, Patent Scrub, etc. (Optional).

Do you plan to disclose your idea outside of Motorola (e.g. conference, publication, customer meeting, product offering, etc.)?

NO

Is your idea known or has it been disclosed outside of Motorola without a duty of confidence (e.g., non-disclosure agreement, joint development agreement, etc.)?

NO

Has a product incorporating your idea been sold, offered for sale, placed in production, qualification, sampled, described in any publication (including Motorola promotional literature), marketed, shipped to anyone outside of Motorola (customer or distributor), or placed into inventory?

NO

What is the earliest verifiable date that you communicated your idea to an individual that is NOT an Innovator (e.g., the date a non-innovator witness signed your engineering notebook)?
Sep 16, 2002

Was your idea created or developed through work performed with a consortium, alliance, government contract, university, or joint venture?

NO

Please specify the Export Control Classification Number(s) (ECCN) to which this disclosure pertains
Unknown

Standards

None Selected

Key Technologies

NET - 016 iDEN voice capability improvements(ISG)
NET - 018 Multimedia(ISG)

NET - 210 Software(ISG)
NET - 211 Applications:J2ME, Linux(ISG)
NET - 212 Applications:Context aware(ISG)
NET - 220 User Interface and Accessibility(ISG)

Innovators

Jyh-Han Lin

The address and personal information for this innovator should be treated as confidential.

Commerce ID: 10001638	Core ID: EJL007
Phone: 9547233886	Fax:
Email: EJL007@motorola.com	
Department: EX565	Location: FL08
Mail Drop: FL08 52-6K	Manager: Eric Brooks
Motorola NET	Business Unit: NET-iDEN Subscriber Group (ISG)
Business:	
Unknown:	Citizenship: USA
Residential 4931 NW 116th Ave.	Mailing 4931 NW 116th Ave.
Address: Coral Springs, FL 33076	Address: Coral Springs, FL 33076 USA
USA	

Eric T Eaton

The address and personal information for this innovator should be treated as confidential.

Commerce ID: 10015553	Core ID: EEE001
Phone: 9547233046	Fax:
Email: ericeaton@motorola.com	
Department: EX506	Location: FL08
Mail Drop:	Manager: Jaime Borras
Motorola NET	Business Unit: Blank
Business:	
Unknown:	Citizenship: USA
Residential 3198 Medinah Circle	Mailing 3198 Medinah Circle East
Address: East	Address: Lake Worth, FL 33467 USA
Lake Worth, FL 33467	
USA	

ver 2

Attorney-Client Privileged Upon Completion

Send any comments to: eIntelligence Contacts
Last Updated: 8 July 2004

Privacy Practices

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